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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,315	07/30/1999	THOMAS T. CHEUNG	ST9-99-078	9277
23373	7590	04/02/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2142	27

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/364,315

Applicant(s)

CHEUNG, THOMAS T.

Examiner

Hai V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the communication received on 22 January 2004.
2. Claims 1-55 are presented for examination.
3. Applicant's request for reconsideration of the finality of the rejection of the last Office Action is persuasive and, therefore, the finality of that Action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ohzora et al.** US patent no. **5,940,865**.
6. As to claim 1, Ohzora, Apparatus And Method For Accessing Plurality Storage Devices In Predetermined Order By Slot Allocation, teaches substantially the invention as claimed, including a method of determining access, the method comprising the steps of: receiving one or more requests to access a system (*Fig. 1, Access demand from*

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users); and for each request, determining whether to allow access to the system using access vector (*Figs. 1, slot allocation means*) to identify an available access object (a vacant slot) (*Abstract, Figs. 1, 9-10; col. 3, line 50 – col. 4, line 17; col. 8, line 29 – col. 9, line 20*).

7. As to claim 2, Ohzora teaches, wherein the access object comprises information regarding attributes of the access object (*Figs. 1, 9-10; user no., slot no., R or RW in table 2a or 2b*).

8. As to claim 3, Ohzora teaches, a method of determining access, the method comprising the steps of: receiving one or more requests to access a system (*Fig. 1, Access demand from users*); and for each request, determining whether to allow access to the system using access vector (*Fig. 1, slot allocation means*) to identify an available access object (a vacant slot) (*Abstract, Figs. 1, 9-10; col. 3, line 50 – col. 4, line 17; col. 8, line 65 – col. 9, line 20*), wherein the access object comprises information regarding attributes (*Figs. 1, 8-9, user no., slot no., R or RW in table 2a or 2b*) of the access object, and wherein the step of determining further comprises the step of evaluating whether the request can be satisfied with an available access object based on one or more attributes of that access object (*Abstract, Figs. 1, 9; col. 5, lines 10-45; col. 8, lines 29-64*).

9. As to claim 4, Ohzora teaches, further comprising the step of returning a result to the request (*Fig. 10, item S26*).

10. As to claim 5, Ohzora teaches, further comprising the step of modifying the access vector upon receiving an indication that a request has completed its access to

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the system (*after the slot is allocated, the contents of the access schedule table are updated, col. 5, lines 10-26*).

11. As to claim 6, Ohzora teaches, further comprising the step of modifying the access vector to modify a number of access objects (*after the slot is allocated, the contents of the access schedule table are updated, col. 5, lines 10-26*).

12. As to claims 7, Ohzora teaches, wherein the number of access objects is increased (*Figs. 1, 9, col. 5, lines 10-26; col. 5, line 52 – col. 6, line 13; col. 8, lines 30-64*).

13. As to claims 8, Ohzora teaches, wherein the number of access objects is decreased (*Figs. 1, 9, col. 5, lines 10-26; col. 5, line 52 – col. 6, line 13; col. 8, lines 30-64*).

14. As to claim 9, Ohzora teaches, further comprising the step of modifying one or more attributes of an access object (*Fig. 1, item 2b, Fig. 9, item 52, a slot could be restricted to Read only or Read/Write*).

15. As to claim 10, Ohzora teaches, further comprising the step of allowing one request at a time to manipulate the access vector (*Fig. 1, item 2b, Fig. 9, item 52, slot 0 is allocated for user number 1 with Read access right, col. 5, lines 1-45*).

16. Claim 11 is corresponding apparatus claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

17. Claims 12-20 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claims 2-10.

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18. Claim 21 is corresponding computer readable medium claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

19. Claims 22-30 are substantially the same as claims 2-10 and are thus rejected for the reason similar to those in rejection claims 2-10.

20. As to claim 31, Ohzora teaches a method of determining access, the method comprising: receiving one or more requests to access a system; and for each request, determining whether to allow access to the system using an access vector comprised of one or more access indicators (*R/W flags*), wherein only one request at a time uses the access vector (*Abstract, Figs. 1, 9-10; col. 3, line 50 – col. 4, line 17; col. 8, line 29 – col. 9, line 20*).

21. As to claim 32, Ohzora teaches, wherein said access indicators contain information used to determine validity of the request for access (*Figs. 8-9*).

22. As to claim 33, Ohzora teaches, wherein the information used to determine the validity includes an access level identifier and the validity of the request is determined based upon comparing an access level associated with the request with the access level identifier (*Figs. 1, 8-9; col. 5, line 1-26; col. 8, line 29 – col. 9, line 20*).

23. As to claim 34, Ohzora teaches, wherein said access indicators include a resource characteristic and determining the validity of the request further includes comparing information contained in the access request with said resource characteristic (*Abstract, col. 5, lines 1-39; col. 8, line 29 – col. 9, line 20*).

24. As to claim 35, Ohzora teaches, wherein the resource characteristic includes one of a resource identifier, resource type, copyright information, type of allowed use, type

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of allowed user, availability, size, and access level identifier (*Abstract, col. 5, lines 1-39; col. 6, lines 5-16; col. 8, line 29 – col. 9, line 20*).

25. As to claim 36, Ohzora teaches, wherein the method further comprises manipulating the access vector to add an access indicator, thereby expanding the number of simultaneous accesses to the system (*Figs. 1, 9-10, col. 5, lines 10-26; col. 5, line 52 – col. 6, line 13; col. 8, line 30 – col. 9, line 20*).

26. As to claim 37, Ohzora teaches, wherein the method further comprises manipulating the access vector to remove an access indicator, thereby reducing the number of simultaneous accesses to the system (*Figs. 1, 9-10, col. 5, lines 10-26; col. 5, line 52 – col. 6, line 13; col. 8, line 30 – col. 9, line 20*).

27. Claim 38 is corresponding computer readable medium claim of claim 31; therefore, it is rejected under the same rationale as in claim 31.

28. Claims 39-44 are substantially the same as claims 32-37 and are thus rejected for the reason similar to those in rejection claims 32-37.

29. As to claim 45, Ohzora teaches, further comprising: granting access to the system in response to identifying said available access object, wherein said available object is unavailable for further use while said access is granted (*Fig. 10, col. 8, line 65- col. 9, line 20*).

30. Claim 46 is substantially the same as claim 45 and is thus rejected for the reason similar to those in rejection claims 45.

31. Claim 47 is substantially the same as claim 45 and is thus rejected for the reason similar to those in rejection claims 45.

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32. Claim 48 is substantially the same as claim 45 and is thus rejected for the reason similar to those in rejection claims 45.

33. Claim 49 is substantially the same as claim 45 and is thus rejected for the reason similar to those in rejection claims 45.

34. As to claim 50, Ohzora teaches, a method of determining access to a system, said system permitting a predetermined number of simultaneous accesses, the method comprising: receiving one or more requests to access the system; and for each request, determining whether to allow access to the system using an access vector comprised of one or more access indicators, wherein a number of available access indicators corresponds a number of the simultaneous accesses permitted by the system at any given time (*Fig. 1, item 2; Figs. 9-10, col. 5, lines 1-39; col. 5, line 52 – col. 6, line 13; col. 8, line 29 – col. 9, line 20*).

35. As to claim 51, Ohzora teaches, further comprising for each request, granting access to the system if an available access indicator is found in said access vector (*Fig. 1, item 2b; Fig. 9, item 52*).

36. Claims 52-53, 54-55 are substantially the same as claims 50-51 and are thus rejected for the reason similar to those in rejection claims 50-51.



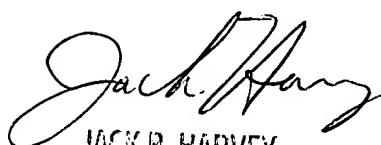
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37. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen  
Examiner  
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